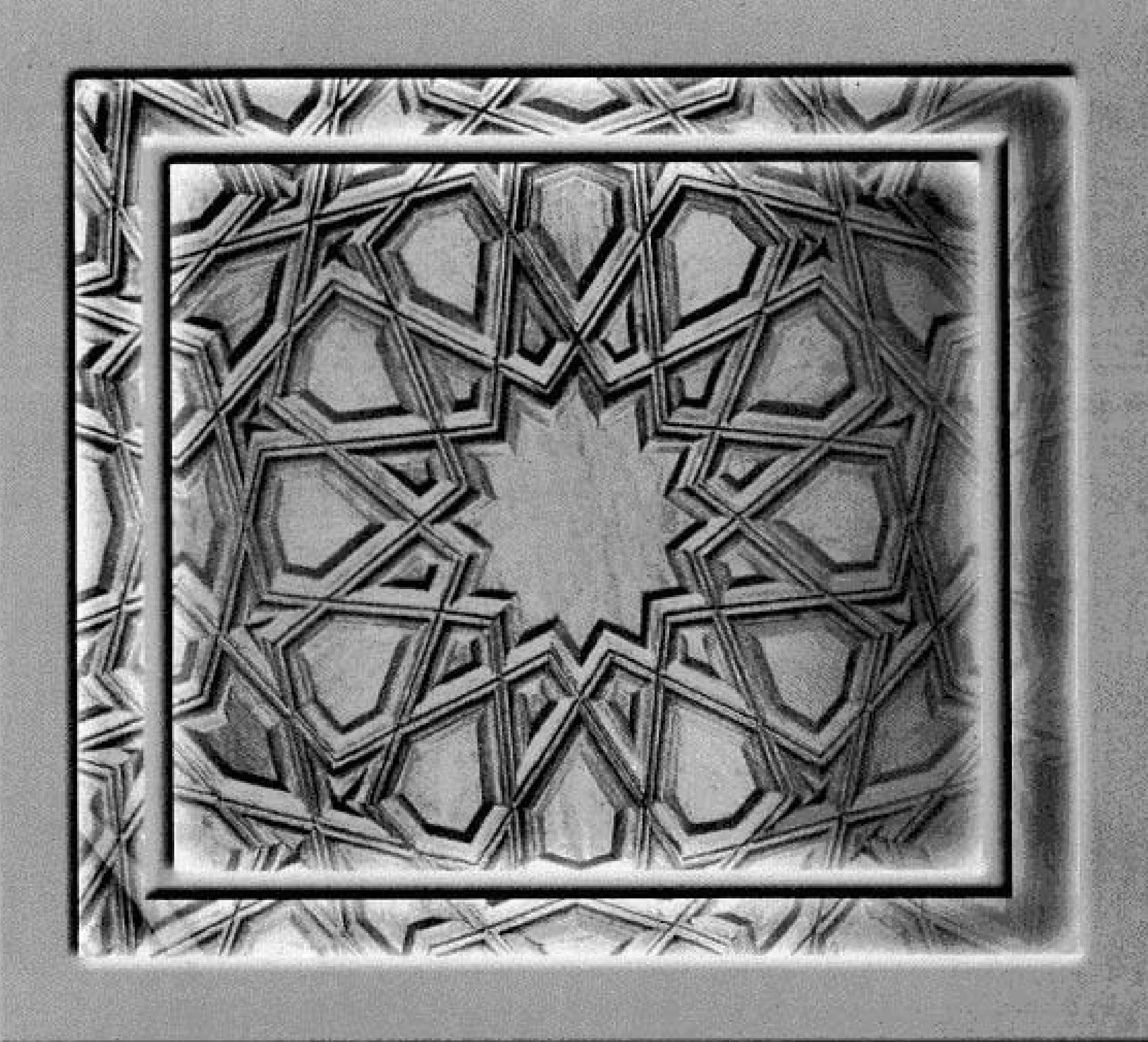
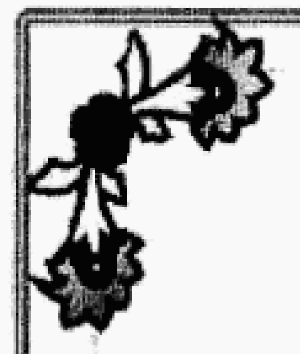


Rights and Tolerance in Islam

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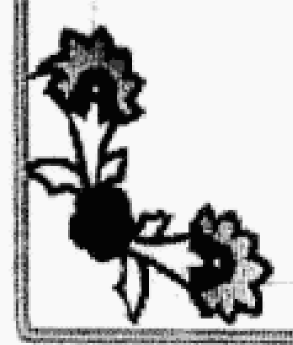
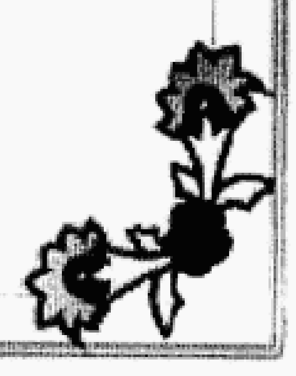



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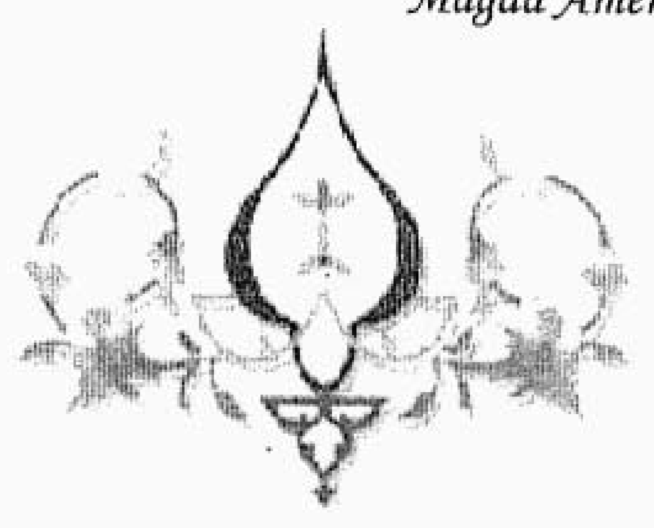
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Dedication

I dedicate this humble effort to my grandfather Shaykh ***`Abd ar-Rahman `Ilish***, a prominent scholar of al-Azhar and his father Shaykh ***Muhammad `Ilish***, Shaykh of the Maliki School of Fiqh at al-Azhar and his father the venerable Shaykh ***Mahmoud `Ilish***.

May Allah have mercy on them and on us.

Magda Amer



Contents

Preface

Mass media has influenced many into believing that Islam is a religion of intolerance and oppression. On the contrary, Islam avows peace and tolerance and commands that every living creature be granted his/her rights.

Rights and Tolerance in Islam informs the readers that the rights of all creatures are firmly established in the teachings of Islam (derived from the Qur'an and *Sunnah*) even in matters that may appear mundane. Muslims are obliged to take into consideration the rights of all people, Muslims and non-Muslims in matters that affect them individually or on a community level. This book assures its readers that Islam is not a dogmatic religion but a way of life that advocates mercy and compassion.

Finally, we would like to thank **Hazem Hamdy** for his sincere efforts in translating this book. Thanks should also be extended to **Dr. Abdulamid Eliwah** who revised this book. Great appreciation is due to **Selma Cook** and **Naseema Mall** for their editorial advice.

General Director

Sheikh Muhammad `Abdu

Introduction

"Islam" is an Arabic term derived from the word *Salam*, which means peace, and is concurrently synonymous with "submission". Indeed, submission to Allah, in the broad sense of the term, represents the essence of Islam. Submission to Allah in this context includes both obedience and contentment: the former being pertinent to divine commands and the latter to divine preordainment of life events. By definition, a true Muslim will observe the commands of Allah and will be content with his share in life. Submission also includes the notion of acknowledging the Oneness of Allah and avoiding the slightest form of alternative deification, which is not necessarily limited to the classical stereotype of worshipping idols. Alternative deification covers an entire continuum, with worshipping idols at one end, but ranging to the other extreme of even idolizing oneself. This form is the most subtle, and thus the most preponderant form of divided worship, whereby a person would obey his every desire and passion, regardless of legitimacy or outcome.

Islam allocates a specific value to the human mind, as it is the basis of assignment and accountability. A person with sound innate reason will recognize his Creator, and will perceive the secrets of the creation and the magnificence of the Creator. Numerous verses of the Holy Qur'an address the human mind, encouraging it to contemplate the universe, with a view to spreading good among mankind. There is nothing in Islam that contradicts the mind, conflicts with sound reasoning, or opposes scientific facts. With sound innate reason, contemplating the Inscribed Book (the Holy Qur'an) and the Observed Book (the

universe) guides one to Allah. Thus, the combination of innate light and the light of guidance encapsulates "light upon light".

It is crucially important to emphasize that it is neither the purpose of this introduction nor the entire book, to make a comparison between religions, then draw a conclusion as to who is the "winner". On the contrary, prime concern is given to highlighting the complementary nature of all true divine religions. In fact, it is one of the fundamental requirements of every true Muslim to acknowledge all the prophets and messengers whom Allah sent to humanity throughout history, and accordingly to accept their genuine missions. This represents one of the six fundamental tenets of *Iman* (faith). The Islamic perspective of those missions is that of a chain, with each mission representing an additional component towards the construction of the complete structure. As such, Islam is considered the religion that was introduced by every true prophet and messenger, rather than being limited to the final module as transmitted through Prophet Muhammad (peace be upon him).

While all divine messages share one common essence, this module that has come to be singularly referred to as Islam, was given a number of unique characteristics by virtue of it being the "finale". Among these unique characteristics, the most relevant to the present context are:

- Universality: Prophets were sent with divine missions, each having a specific assignment, in much the same way as the employees of our days are charged with certain assignments. Part of this assignment was to specify the targeted audience. While all of the precursory missions were initially directed to a specific group of people, Islam was meant to address mankind of all nations and times from the time it was revealed and onwards. One cannot help contemplating the

amazing speed and success with which Islam was propagated in its early days. Numerous claims have been made throughout the centuries that Islam was spread by the sword, but discussing such claims falls beyond the scope of this introduction. A number of testimonials cited in the conclusion of this book present a logical refutation of such claims.

Campaigns were launched, since the early days of Islam, to spread the final divine message in many countries, with actual military engagement only being resorted to in cases where the rulers of a certain country would attempt to prevent the delivery of that message to the masses. In most cases, the message was welcomed, adopted, and even nourished and spread further. Furthermore, campaigns were not the only channel of advancement. In many countries, particularly in Asia, it was the noble demeanor and honorable conduct of many visiting Muslim merchants that attracted people to the religion. In fact, the process remains ongoing to this very day. In spite of massive anti-Islamic mobilization on a worldwide level, Islam is still widely believed to be the fastest growing religion in the world.

- Completeness: A prerequisite of the religion that was meant to suit all mankind to the end of time was to provide them with a comprehensive structure of guidelines, whereby their worldly needs would be addressed and concurrently their eternal happiness would be secured. Indeed, Islam introduced a highly sophisticated system in which all aspects of life are tackled. Marriage, raising children, inheritance, and commercial transactions are but a few examples of the matters that Islam regulates. Guidance to proper manners, even with personal cleanliness and hygiene, is another magnificent hallmark of Islam. On the other hand, Islam also

addressed all issues pertinent to faith that accumulated between the followers of successive divine messages. One of the most prominent issues was the question about the divinity of Jesus Christ, (peace be upon him) who was confirmed in the final revelation to be a noble prophet sent by Allah, rather than His son.

- Preservation: The final message had to be preserved intact, and indeed the Qur'an remains exactly the same as it was revealed more than fourteen centuries ago; word for word, letter for letter, and this fact cannot be overlooked. There are no versions of the Qur'an. Another spectacular characteristic of the Islamic message is documentation. The system of authenticating the sayings and actions of the Prophet (peace be upon him) was simply unprecedented. It is not known what inspired such precision in tracking all the people who relayed the sayings and actions of the Prophet (peace be upon him), other than sheer sincerity. To this day, every saying (*hadith*) can be traced through a chain of trustworthy men and women all the way back to the Prophet himself. The measures taken in establishing the integrity of each narrator may be considered by some to be extreme. For example, al-Bukhari, the most notable authenticator, once disqualified a narrator to whom he had traveled a great distance to meet, only because this potential narrator falsely pretended to have some barley in his folded up gown to persuade an animal that had strayed to come back to him. Moreover, qualification of a narrator was not an on/off process, whereby a narrator was either totally qualified or totally disqualified. Rather, a ranking system was developed through which each narrator received a ranking of credibility based on a number of criteria, such as affiliation with the next narrator in the chain, power of memory, and so on. It is worth noting that the authenticity of many *hadith*s represents

a controversial matter, particularly those that were documented by scholars, other than the six most famous ones, topped by Imam al-Bukhari and Imam Muslim. One might wonder why nothing in the Qur'an raised similar controversy throughout the centuries. The fact that every single copy of the Qur'an is, and has always been, exactly identical, leaves only one conclusion to be made, namely the promised divine preservation.

The significance of this introduction in the context of tolerance is twofold. First and foremost, it illustrates that a line needs to be drawn between tolerance and deceit. If a Muslim invites a non-Muslim to Islam, this actually represents an act of compassion, rather than mere proselyting. The converse image of a person who deals with others with all apparent pleasantness, while believing deep inside that they are destined for grave consequences, would be more treacherous than tolerant. As Muslims believe that acceptance of the entire chain of divine messages is required of every person, it would be quite dishonest not to share that knowledge with others. Whether or not it is subsequently accepted is totally a matter of the receiver's choice. Secondly, in the context of tolerance, the above introduction indicates that any invitation to Islam is advice to update and complement, rather than to change one's faith.

Another demarcation line needs to be drawn between tolerance and concession. The UNESCO *Declaration of Principles on Tolerance* states:

> Tolerance is not concession, condescension, or indulgence. Tolerance is, above all, an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others. Under no circumstances can it be used to justify infringements of these fundamental values.

This book does not adopt the notion that Islam is standing in the dock, or that Muslims should assume a defensive or apologetic position. Rather, the purpose of this text is to introduce some of the major facts of Islam that are relevant to the issue of tolerance in such a way as to assist the sincere and objective reader in building a better perception of this religion and its teachings. Furthermore, additional emphasis needs to be made on the statement that "tolerance is not concession" as depicted in the UNESCO declaration quoted above. By definition, a religion establishes guidelines and rules that need to be observed. Error, human nature, and other similar factors are taken into consideration when assessing any situation, but tolerance can never be expected to imply turning a blind eye to any premeditated offence. Such omission would more likely lead to unjust and unbalanced situations among the concerned people themselves. Indeed, proportionate firmness will be found in Islam if divine or human rights are intentionally and/or maliciously violated. Likewise, Muslims will be found most willing to sacrifice their entire lives if they find that their religion is in jeopardy.

In application, Islam and Muslims, starting with the Prophet (peace be upon him), have demonstrated exemplary tolerance throughout their history. Being the essence of this book, and also being a statement that is currently being subjected to major challenges, this matter merits a somewhat extensive overview of some supporting facts and examples. Hence, most of this book is dedicated to such an overview; however, the book begins with a discussion of the broad issue of rights in general, and Islam in particular. This is because tolerance and rights represent two of the most significant and tightly coupled areas of human interest, as highlighted in the UNESCO declaration referenced above, which also states:

Consistent with respect for human rights, the practice of tolerance does not mean toleration of social injustice or the abandonment or weakening of one's convictions. It means that one is free to adhere to one's own convictions and accept that others adhere to theirs. It means accepting the fact that human beings, naturally diverse in their appearance, situation, speech, behavior, and values, have the right to live in peace and to be as they are. It also means that one's views are not to be imposed on others.

Linguistic notes

- The words "Allah" and "God" bear identical indications in Islam, and as such may be used interchangeably.
- The terms corresponding to "tolerance" and "kindness" in Arabic are used interchangeably depending on context. For example, if the issue at hand is related to animals, then "kindness" would render a more specific meaning than "tolerance" in such a context.
- Gender: Use of male references, such as "he" or "him", is not meant to limit the scope of discourse to men. In Arabic, and indeed in the Qur'an, such references are used in total equality for men and women. A perfect example from the Qur'an reads as follows:

﴿*Whoever does righteous good deeds, **whether male or female**, while **he** is a true believer, verily, to **him** We will give a good life.*﴾

(An-Nahl: 97)

I

Rights in Islam

The Islamic View of Rights

Rights in Islam are based on two basic principles:

- All people are equal
- Every person is entitled to freedom

Equality in Islam is in turn based on two rules:

- All people stem from the same origin
- All people are honored by Allah, as mentioned in the Holy Qur'an:

﴾*And indeed We have honored the Children of Adam, and We have carried them on land and sea, and have provided them with good things, and have preferred them above many of those whom We have created with a marked preference.*﴿

(Al-Isra': 70)

Indeed, mankind does vary in race, color, and background, but none of these differences affect the human essence, neither should they be seen as a reason for pride or glory. Rather, such elements should motivate people to socialize and cooperate. When `Umar ibn al-Khattab went to Jerusalem, he was advised to change his ragged garment and mount a horse that moves ostentatiously, so as to acquire the appearance of their lords. He responded to such advice by saying, "It is with Islam that Allah gave us eminence, and thus if we seek eminence through anything else, Allah will only humiliate us."

In much the same way, instead of spreading happiness, reassurance, and positive thinking, modern civilization has only

brought about anxiety, depression, psychological problems, suicide, divorce, and a long list of social problems. This is a natural outcome of preoccupation with material aspects and abandoning the Creator of this universe.

It is this modern civilization that introduced practices such as forbidding the admission of colored people to certain schools, the prevention of marriage between coloreds and whites, and the presence of white restrooms and white drinking fountains. In contrast, Islam assesses people only by their righteousness, regardless of their race. Allah says:

> ﴾*The most honorable of you with Allah are those who are most pious.*﴿
>
> (Al-Hujurat: 13)

The Prophet (peace be upon him) was also quoted as saying in part of his famous Farewell Speech, "*O people! Indeed your Lord is one, and indeed your father is one. No Arab enjoys status above a non-Arab, nor a non-Arab above an Arab, nor a black above a red, nor a red above a black, except for the status of piety. The most honorable of you in the sight of Allah are those who are the most pious. Have I not informed?*" The people responded, "Indeed you have, Messenger of Allah." He then said, "*Then let those who are present inform those who are absent.*"

There are many other Islamic situations that emphasize the fact that piety and good deeds represent the only true distinction between any two people:

- Salman al-Farisi, one of the closest companions of the Prophet (peace be upon him), was from a Persian village.

- The two men who are known as the best people to have documented the traditions of the Prophet (peace be upon him) were al-Bukhari and Muslim, both of whom were non-Arab Asians.

In fact, there are a number of situations particularly related to black people in the early days of Islam that are worth mentioning in this context. For example:

- The Prophet (peace be upon him) said to Bilal, who was a black slave, "*I heard your footsteps ahead of me in Paradise.*"
- `Umar ibn al-Khattab used to say, "Abu-Bakr is our master, and he has emancipated our master," in reference to Bilal.
- One of the Prophet's black companions, `Ubadah ibn as-Samit, was sent as the head of a delegation to negotiate with the king of a non-Muslim state known for being a racist. Naturally, the king inquired disdainfully how they could give preference to such a man. The members of the delegation told the king that this black man is their leader because he is the most knowledgeable and the most distinguished among them.

Rights in Islamic law

Rights under Islamic legislation are clearly defined, and are governed by a set of rules that make them fully applicable under any situation. Some of these rules are as follows:

1- A right is only valid if it is legitimate and not harmful to others

If a claimed right violates those of others, then it is actually injustice. An example of this is a person who builds a structure on his own property that causes damage to his neighbors. In practice, a person is not allowed to have a ventilation window that overlooks his neighbor's house without the permission of this neighbor. Similarly, he may not erect a wall that would block the sunlight from his neighbor's house, without his

consent. Such consent is required in both cases due to the obvious damage that might affect the neighbor.

2- There should be neither harm nor malice, and any damage made must be repaired

Islamic legislation aims at sparing all people any damage. For that reason, Islamic law set protective measures against damage and reparative measures to eliminate the effects of any damage that may occur. Following are a few examples:

- Allah commanded that no will is executed if it is based on harm and injustice, such as depriving certain legitimate heirs, or giving an heir more or less than what was allotted by Allah. This is because Allah is more merciful to people than a mother would be to her infant.
- Allah also commanded that a divorcing man must arrange for the best accommodation he can afford for his divorcee.
- Allah forbade any damage to be inflicted upon a father, a mother, or a child, whether such damage is brought about by the father, the mother, or any other party.
- Muslims are commanded to have witnesses to and/or written records of their debts and trading transactions. In this context, Allah forbids any damage to be inflicted upon either party in the transaction.

A number of incidents in Islamic history illustrate this rule in practice. For example:

- During a year of famine, one of the companions by the name of `Abbad took some grain from a garden to eat. When the owner of the garden came and found out about this, he beat `Abbad and took away his garment. `Abbad reported this to the Prophet (peace be upon him), who said to the owner, "*Neither have you fed him when he was hungry, nor have you*

taught him what he does not know." He then ordered the owner to return the clothes to `Abbad, and ordered him to be given some food. The significance of this incident is that the Prophet (peace be upon him) indicated that a distressed person may take and eat from the property of others to relieve his trouble. This incident is referred to in cases of relieving damage.

- In another incident, a man complained to the Prophet (peace be upon him) that one of the Companions, namely Samrah ibn Jundub, owned some palm trees in this man's garden, and that Samrah made too many visits to the garden to inspect his trees. After verifying the complaint, the Prophet (peace be upon him) asked Samrah to sell his trees to the owner of the garden, to fell them and benefit from them, or to grant them to the other man in return for an equal number of trees in Paradise, but Samrah rejected all three propositions. The Prophet (peace be upon him) then said to Samrah that this proved that he only wanted to harm the other man, and ordered the owner of the garden to remove the trees.

- The Prophet (peace be upon him) forbade selling surplus water in order to spare people any consequent damage. This proves that water may not be owned, but may be utilized by any person who finds it in his land, provided that he allows others to benefit from the amounts of water that exceed his needs. Islamic rules even go further to forbid anyone from preventing the passage of water across his land to irrigate other land. This specific case occurred during the rule of `Umar ibn al-Khattab, when a man called ad-Dahhak found no way to irrigate his land unless the water passed through the land of another man called Muhammad ibn Maslamah. `Umar asked Muhammad whether the water passing through his land would cause him any harm, and he replied, "No, but

it is my land and I can prevent what I wish on it." `Umar then said to him, "I swear if I find no other passage for the water than your belly, I will order it to pass through."

3- Damage cannot be remedied by incurring more damage on others

Damage may not be remedied by incurring greater or equivalent damage. For example, if there is a jointly-owned house that one of the owners wants to have divided, but it is too small to divide reasonably without being damaged, then the damage for which the demanding co-owner wants may not be repaired through a greater or equivalent damage, i.e. the damage of wasting its benefits by dividing it. In such a case, the house should be either bought by one of the co-owners and the returns distributed between the rest, or preferably sold to a neighbor.

Another example would be a man who wants to expand his house by tearing down the wall of his neighbor's house. Naturally, he may not do so without the neighbor's permission.

4- No damage may invalidate the rights of others

As previously mentioned, Islam permits a person in dire need to utilize or damage the property of others without being punished for doing so. However, such an act never omits reparation. For example, if a person is at the point of starvation, then he may eat from the food that belongs to someone else, provided that he returns an equivalent amount of food or pays for it. Another example would be a person who cannot escape serious jeopardy except by damaging something that belongs to another person. In this case, such damage is permitted without the consent of the owner, but he must be indemnified appropriately.

5- Protection from damage takes precedence over pursuit of benefit

This rule implies that a person should refrain from performing an act that is considered to be good, if it also entails potential damage or harm of any kind.

6- The lower benefit may be forgone in pursuit of a higher benefit

For example, a person should skip minor pilgrimage (*`Umrah*) if performing it would lead to missing major pilgrimage (*Hajj*). Conversely, the lesser of two damages should be given precedence if either is inevitable. For example, if faced with only one of two options: to hit either an animal or a child, the driver of a car should avoid the child, although both are tragic.

7- Actions are judged by intention

The Prophet (peace be upon him) said,

> *"Actions are only judged by their driving intentions, and every person is accountable according to his intention. So, whoever emigrated for the sake of Allah and His Messenger, then his emigration was for Allah and His Messenger. And whoever emigrated for worldly benefits or for a woman to marry, then his emigration was for what he emigrated for."*[1]

If a person honors the rights due to others without having the intention to obey Allah, then he would not have honored the divine right involved in that action. For example, a person who pays his debt only to honor his obligation towards another person would no longer be in debt, but he will not be rewarded in the Afterlife for this act.

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[1] Reported by al-Bukhari.

8- No property may be taken from a Muslim without his consent

This rule implies that mutual consent is required in all dealings.

9- A guarantor is liable for indemnity

If a person agrees to act as a guarantor for another person in a certain transaction, such as a purchase or a debt, then this guarantor is required to fulfill the obligation if the principal fails to do so.

Divine Rights vs. Human Rights

There are rights due to Allah and others to people. The following table illustrates some of the most significant differences between both classes.

Rights due to people	Rights due to Allah
Do not overlap such that the perpetrator of multiple offences is punished for one offence. For instance, if a man steals and fornicates, then he should be subjected to the penalty for theft as well as the penalty for fornication.	Overlap. If a person commits slander more than once, then they will be subject to only one penalty. (If the faults are multiple, then repentance is sufficient.)
Can be waived by obtaining a pardon from the wronged person.	Cannot be dropped by obtaining a pardon from the wronged person. If a man fornicates then he must be subjected to the penalty for fornication. The ruler cannot drop the charge.
Not halved by virtue of bondage. Damage must be repaired, whether the perpetrator is a slave or a free person.	Halved by virtue of bondage. If a bondwoman commits adultery, then she is subjected to half the penalty of a free woman. The penalty of fornication is 100 lashes for free men or women, but only 50 for bondsmen or bondswomen.

Execution is not assigned to the ruler, as long as the concerned parties are in agreement.	Execution is assigned to the ruler.
Inheritable. If a man dies and he is in debt, then his heirs should repay on his behalf (liability against gain).	Not inheritable. If a person dies, his heirs are not subjected to his penalties. As for fasting and performing Hajj, if the deceased asked in his will for it to be performed by someone, then it has to be done. Otherwise, whoever does it without the deceased's request, it is considered out of kindness to parents and filial devotion.
May be resolved through settlement, forgiveness, and mutual consent between disputing parties.	Cannot be dismissed through settlement, forgiveness, or human pardon.
Can be dropped and relinquished.	Cannot be dropped or relinquished.

Elements of rights

The elements of any right are: (a) the object of the due right, (b) the person to whom the right is due, and (c) the person on whom the right is due.

Example:

The object of the due right: dowry

The recipient of this right: the wife.

The person on whom the right is due: the husband.

Classes of rights

1- Obligatory rights: acts of worship.

2- Non-obligatory rights: rights that are due but not imperative, such as gifts. In Islam, the restoration of a gift after granting it is considered as abominable as a dog that eats its own vomit.

3- A non-obligatory right can transform into an obligatory right. For example, if a person undertakes voluntary fasting then breaks it for some reason, then he should make up for it on another day. Similarly, voluntary charity may not be withdrawn.

Cases of interrupted competence affecting the rights of Allah and the rights of people

1- **Insanity**: An insane person is relieved of the rights due to Allah, but not of those due to other humans. If an insane person damages something, then his guardian is required to repair it. Even an animal is not exempt from the rights due to humans. If a domesticated animal damages something, its owner is required to repair it as well.

2- **Forgetfulness**: The Prophet (peace be upon him) informed us that Muslims are excused in cases of unintended error, forgetfulness, and compulsion. If the relevant right is due to Allah only, it may be forgiven. For example, if a Muslim forgets, and eats or drinks while fasting, he is to continue his fasting, for he is considered to have been granted this food or drink by Allah. However, if a human right is involved, then even excuses of error, forgetfulness, and compulsion do not exempt from damage reparation. This rule was explicitly stated by the Prophet (peace be upon him). We find that in many cases man-made law applies penalties without

considering factors of inadvertence, forgetfulness, and compulsion.

Forgetfulness in prayers: If an integral part of a certain prayer is inadvertently missed, then the whole prayer is invalid and must be repeated. On the other hand, if the unintentionally missed part of prayer is supplementary (*Sunnah*), then it may be compensated for by performing two prostrations.

3- **Death**: Most of the rights that are due to Allah lapse in case of death, except for fasting, obligatory alms, and pilgrimage. Those obligations should be fulfilled by another person after the concerned person's death in order to spare him the liability. Conversely, no right due to a human is dismissed upon death. Items deposited with someone must be returned if he dies. The same applies to borrowed items, for they must be returned upon death in the same condition they were in when borrowed. Naturally, loans and debts must be repaid before any distribution of the legacy takes place. It is a rule in Islamic law that rights do not lapse with time, which means that they are only dismissed when honored or waived, regardless of the length of time.

On the other hand, the rights of the deceased himself are taken from his inheritance (to prepare and bury him).

Cases of acquired incompetence

1- **Intoxication**: An intoxicated person is held accountable for his acts and words. If he damages something, he is required to repair it. It is also the position of some scholars that if such a person utters the words of divorce, then his wife would indeed be considered divorced. Regarding the lashing penalty for drinking alcohol, it must be done in a state of soberness, so that he feels the deterring pain.

2- Ignorance: ignorance is accepted as an excuse if the person is living in a non-Muslim country. Muslims who live in a Muslim country, however, cannot be excused, as scholars are easily accessible to answer their questions. In contrast, man-made law never excuses a defendant for ignorance.

Rights due to people gain precedence over rights due to Allah

One aspect of the mercy of Allah towards mankind is that He gave precedence to the rights due to fellow man over the rights due to Him, which may even be dismissed in some cases until the rights due to mankind are honored. Examples of such cases are as follows:

- Repayment of a debt is required and so is pilgrimage. However, a debtor may not perform the obligatory pilgrimage without his creditor's permission.
- A guest may not fast voluntarily unless his host allows that.
- In some cases, participating in jihad (a military struggle in Allah's cause) is required as a religious obligation. However, if such participation conflicts with the rights due to one's parents, then the latter gains precedence unless the army is in need of every able person to defend the country. In fact, several relevant incidents took place in the days of the Prophet (peace be upon him). For instance, a man came to the Prophet (peace be upon him) asking for permission to join the jihad. The Prophet (peace be upon him) asked him if his parents were still alive, and when the answer came in the affirmative, he said to the man, "*Return to your parents and do Jihad in serving them.*" In fact, one of the most prominent companions of the Prophet (peace be upon him), namely `Uthman ibn `Affan, did not participate in the first major battle in Islam (Badr) as he was taking care of his ailing wife.

Islam Supports Collaboration

Collaboration means interaction and joint efforts between the members of the society in cases of both welfare and hardship, either to realize benefit or to eliminate damage. Collaboration in Islam can be classified as follows:

- **Financial collaboration:**

Islam rendered the society as a single cooperative and cohesive cell, where a poor person is given what may satisfy his needs, an insolvent debtor is assisted with his debt, and a wayfarer is supported to reach his property. Even the exchange between neighbors of simple household objects, such as a needle, a pail, or a sieve is taken into consideration.

- **Scientific/educational collaboration:**

The Prophet (peace be upon him) warned that anyone who conceals certain knowledge that is in his possession, shall be punished severely in the Afterworld with a bridle of fire. It is also the responsibility of every knowledgeable member of the Islamic society to educate all other members that are in need of that.

- **Moral collaboration:**

One of the most essential and intrinsic elements of Islamic teachings is the process of enjoining good and forbidding evil, as undertaken by every capable Muslim. This has three main levels of implementation, depending on the person's ability, whereby it is carried out either by action, speech, or at the very least in one's own heart. In contrast, the Prophet (peace be upon

him) warned that prevalent negligence of this duty is likely to subject the entire society to severe punishment.

- **Anti-crime collaboration:**

No perpetrator of a premeditated crime may be left unpunished. In some cases of inadvertence that inflicts grave damage, such as in the case of accidental homicide (manslaughter), a financial penalty may be imposed to compensate for the dreadful loss. However, it is the family of the person, who was responsible for the crime, who is required to pay the blood money, rather than the person himself.

II

Tolerance in Islam

Islam and "Others"

While Muslims are required to confront hostility with adequate measures, they are primarily required to maintain constructive relations with all righteous people who do not demonstrate hostility or negative behavior towards Islam. Muslims are allowed to deal and transact normally with peaceful non-Muslims, and are required to treat them justly and decently. Illustrative examples are found in Islamic history, starting with the treaties and arrangements that the Prophet (peace be upon him) made with peaceful non-Muslims, such as the Jews of Medina, the Christians of Najran, and even the non-believers of the Quraysh. Some of those examples also highlight the Islamic reaction when treaties and pacts were treacherously violated by the other party. The following sections introduce additional examples of this Islamic quality.

Freedom of belief

The Islamic rules prohibit forcing anyone to change his religion. Islam even prohibits the destruction of churches and synagogues. Furthermore, a Muslim man can marry a Christian or Jewish woman who is free to practice the rituals of her religion.

Cooperation and transaction

Muslims have historically held cooperative relationships with Jews and Christians (People of the Book). Areas of positive relationships included joint defense, marriage, trade, and social

functions. In one incident, the Prophet (peace be upon him) himself pawned his shield to a Jew for three measures of meal.

Rights protected

Jewish and Christian subjects who live under Islamic rule enjoy full protection of their civil rights. For example, they are fully entitled to manage their marital and inheritance affairs according to the rules and guidelines set by their respective systems.

In fact, the Prophet (peace be upon him) warned against harming non-Muslim subjects, when he said, "*I will be an opponent to anyone who treats a protected non-Muslim unjustly, reduces a right to which he is entitled, overburdens him, or takes something from him against his will.*"[1] This matter is stressed to the extent that the Prophet warned that a Muslim who kills a protected non-Muslim wrongfully will not even smell the scent of Paradise, which can be sensed from the distance of a forty-year walk.

Equality

Islamic rules related to public interest are equally applied to non-Muslim subjects just as they are applied to Muslim subjects. For instance, the Prophet (peace be upon him) said that any person, whether a Muslim or non-Muslim subject of the Islamic state, who rehabilitates an area of barren land is entitled to own it. Additionally, when there is potential conflict of interests, absolute justice is given precedence, such as in the case of depriving a Muslim subject from inheriting a non-Muslim relative exactly as a non-Muslim subject is not allowed to inherit a Muslim relative. Another example is found in the application

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[1] Reported by Abu Dawud.

of the "right of first refusal", whereby a non-Muslim neighbor will be given precedence in buying an adjacent piece of property over any other Muslim subject who does not enjoy the same position.

Equality is also applied in cases of punishment. Islam established a system to deter any person who violates the rights of other people, regardless of their faith, race, and color.

Duties of protected non-Muslims

Non-Muslims are required to observe certain duties under the rule of an Islamic state, such as:

1- Respecting the rituals and feelings of Muslims, so that all members of the society may coexist peacefully.

2- Observing Islamic legislation in civil matters, apart from affairs that are regulated in their respective systems such as family issues.

3- Paying the poll-tax, which is a nominal financial tax due on every able-bodied adult male in lieu of exemption from participating in defending the Islamic state. Women, children, and the elderly are not required to pay this tax.

Practical examples

The Prophet (peace be upon him) and his companions were the first to apply the guidelines mentioned concerning tolerance and kindness to non-Muslim subjects. A few incidents illustrate this clearly:

- A Muslim man once stole a shield and hid it in the house of a Jewish man then accused him of being the thief. The case was brought before the Prophet (peace be upon him), who was about to convict the Jewish man. However, there was divine intervention in the form of revelation as an eternal rule in the Qur'an. Allah says:

﴾Surely, We have revealed the Book to you with the truth so that you may judge between people by means of that which Allah has taught you, and be not an advocate on behalf of the treacherous.﴿

(An-Nisa': 105)

- During the rule of `Umar ibn al-Khattab, he passed by an old blind Jewish beggar and asked him, "What makes you beg?" The man replied, "Age and the poll-tax." `Umar then said, "By Allah we have not done you justice." He immediately exempted the old Jew from the poll-tax and granted him money from the Islamic Treasury.
- When `Umar entered Jerusalem, marking its handover to Islamic rule, he refused to perform his due prayers inside the church lest the Muslims turn it into a mosque after him.
- `Ali ibn Abi Talib, who was the cousin of the Prophet (peace be upon him), once lost a shield then found it in the possession of a Jewish man and claimed it. The Jew said, "The shield is mine; it is in my possession. No one other than the judge of the Muslims will settle our disagreement." They brought the case before the judge, and `Ali claimed that the shield was his but it was lost and found by the Jew. Upon the judge's request, the Jew responded, and said, "The shield is mine; it is in my possession." The judge said to `Ali, "By Allah this is your shield, but you need two witnesses." `Ali summoned two men to testify, one of whom was his own son. The judge accepted the testimony of the second man, but rejected that of `Ali's son and ruled that the shield be given to the Jew. There are two remarkable notes to make on this incident. First, the judge did not rule on the basis of his own knowledge, for he was certain that the shield belonged to `Ali. Secondly, this incident occurred during the reign of `Ali who was the caliph at that time, i.e. the ruler of all Islamic states! The Jew then said, "The Muslim ruler joined me before the judge of the Muslims. The judge ruled in my favor

and the ruler complied. I assert that there is no god but Allah, and that Muhammad is the messenger of Allah," thus accepting Islam as his religion.

- `Amr ibn al-`As, the first Muslim ruler of Egypt, once found it necessary to expand a mosque. To do so, he had to confiscate and remove a house that belonged to a Coptic woman against her will. `Umar ibn al-Khattab, the caliph at that time, learned about this incident and ordered `Amr to stop expanding the mosque, return the land to the Coptic woman, and make sure that her house was rebuilt.
- When Khalid ibn al-Walid conquered Damascus, he imposed the poll-tax on the protected non-Muslim subjects (in return for their protection), but refunded them in full when an enemy attacked the city and Khalid failed to defend it.

Tolerance in Islamic Legislation

Islam aims at realizing benefit and eliminating damage, without discrimination between black and white, rich and poor, or Muslim and non-Muslim. Islamic legislation treats potential or actual offenders in much the same way as a physician treats patients. The starting point is always through immunization, as prevention is better than cure, but this type of immunization takes the form of advice and guidance. This approach is manifested in the following examples:

- Forbidding the presence of one man and one women together in an isolated place, unless she is his wife or one of his female relatives whom he may not marry (e.g. mother, sister, daughter, etc.), as a means of preventing adultery.
- Forbidding the consumption of the least quantity of alcohol, lest the person be drawn to consume more.

In case preventive measures fail, and offence does take place, Islamic legislation prescribes various means of remedy. Only if all else fails, a "surgical procedure" is used. In terms of divine punishment, the door is always wide open for repentance before Allah, which eliminates all traces of previously committed offences if the repentance is sincere and genuine. In fact, genuine repentance might even lead to transforming deeds recorded as offences into good deeds. This door of repentance is only closed at the time of death, or at the time of the preordained end of the world.

The philosophy of punishment in Islam is to provide security for a society in which the spirit of the group and the spirit of

participation prevail, and in which the interests of the group are given precedence over the interests of the individual. As such, punishment is imposed on an individual to preserve the security of the entire society.

To elaborate on this aspect of Islamic legislation, we need to take a closer look at some of the rules that represent its foundation:

1) Elimination of hardship

Islamic legislation mitigates restrictions in cases of necessity. For instance, a person may eat from an improperly slaughtered animal, or even pork, if that is the only means to avoid starvation. However, the consumption must be restricted to the limits of the necessity, i.e. the bare amount sufficient to preserve life.

2) Gradual legislation

The most famous example of gradual legislation in Islam is demonstrated in the prohibition of alcohol. The first step was to highlight the fact that the harm caused by drinking alcohol outweighs any perceived benefit from it. Later, Muslims were forbidden to perform their prayers when intoxicated. Finally, all alcoholic beverages and similar intoxicants were strictly prohibited.

3) Limitation of obligation

Initially, no one is assigned any task that would be beyond his abilities. There are numerous cases where obligations are alleviated to spare the individual any excessive burden, such as in the case of traveling or illness. Furthermore, no one is held accountable if he is underage, insensible, or asleep.

4) Atonement for an offence

Allah prescribed means of atonement to effectively eliminate recorded offences. For example, if a person breaks an undertaken oath, then he may atone for that by providing ten poor people with food or clothes, or by releasing a person from bondage.

Islamic law is based on mitigation and kindness, not severity and overburdening

Many authorities of the Qur'an emphasize the fact that Allah does not prescribe anything that exceeds our abilities, i.e. anything we are unable to do. This notion was also frequently stated by the Prophet (peace be upon him), who actually condemned hardliners. He was described by his wife, `A'ishah, as always preferring the easier of any two options unless it was evil, in which case he would be the first to repudiate it.

In some cases, a scholar might give conservative advice to some people who demonstrate devout prudence. However, the easiest of legitimate options will always be more appropriate for the general public, particularly in our current times. We see this clearly in the incident where a man asked the Prophet (peace be upon him) what is required of him as a Muslim, and the answer was limited solely to the basic duties. The man vowed to do neither more nor less than that bare minimum, and the Prophet (peace be upon him) said that he would be a winner if he honored his pledge.

The spirit of Islamic legislation implies that no one is held accountable in cases of unintended error, oblivion, or coercion. Even if a Muslim disavows the religion of Islam and claims to be an apostate under duress, then he will be excused as long as the faith remains firm in his heart. Moreover, a person even continues to be rewarded by Allah for deeds he used to perform

regularly if he is prevented from doing so for reasons of illness or travel. A relevant incident was narrated by Anas ibn Malik, who quoted the Prophet (peace be upon him) as saying during their return from the battle of Tabuk, "There are people who remained in al-Madinah, but have not missed any track or valley we passed through, for they were kept by reasons beyond their wills." In the version related by Jabir ibn `Abdullah, it says, "They did not make it because of their illness". Another narration says, 'Such people have the same divine reward granted to you.'

To illustrate further, we need to discuss some specific examples of kindness in Islamic requirements for acts of worship.

1- **Ablution**: Muslims are allowed to perform dry ablution (*Tayamum*) if water is inaccessible or in case there is a bandage or splint on the area of the body to be washed.

2- **Prayers**: The Prophet (peace be upon him) advised that any person who leads a group of Muslims in prayer must not exhaust them, and to bear in mind that among them there could be a sick, weak, or old person. He even said that he himself would start leading the Muslims in prayer and might finish quicker than he would have planned to if he hears a baby crying. Also with regards to prayers, other cases of alleviation include:
   - Reduced and combined prayers for a traveler
   - Exempting a woman from making up for any prayers she missed during periods of menstrual or puerperal bleeding
   - Allowing prayers to be performed in any possible manner in cases of illness, whether in a seated position, lying down, or even by gestures.
   - In times of war, some prayers are reduced to half, and under actual combat to one-fourth.

3- **Fasting**: Again, there are cases where required fasting during the month of Ramadan may be postponed, particularly for an ill or traveling person. Some illnesses even cancel the requirement altogether, but feeding a poor person would be required as compensation.

We mentioned previously that some voluntary acts of worship should be made up for, if not completed for any reason. However, this does not apply to voluntary fasting if the reason for interruption was to accept an invitation to eat, which is a right to which the host is entitled. This is another example of a right due to a person taking precedence over a right due to Allah, as mentioned before. A man was once invited, in the presence of the Prophet (peace be upon him), to eat but he apologized and said that he was fasting voluntarily. The Prophet (peace be upon him) said to him, "Your brother has invited you and undertook the task to prepare food for you. Break your fast and then make it up on another day, if you wish."

4- **Alms**: The ordainment of Islamic alms (known as "*Zakat*") itself, rather than any exemptions thereof, is an excellent example of Islamic kindness and mercy. This duty was imposed for the sake of social collaboration, whereby the poor and needy are given a portion of the wealth of the rich that is prescribed as a minimum. Even individuals who are exempted from most other obligations, due to reasons of underage or lack of reason for example, are required to fulfill this financial duty. Naturally, a guardian or sponsor will be responsible for honoring this obligation on their behalf.

One remarkable aspect of *Zakat* is that it may be paid to a wayfarer; a person who may very well be wealthy himself, but being away from his home and property is placed in the

same situation as that of a destitute person. Insolvent debtors may also be assisted out of their plight through this noble channel.

Apart from this obligatory financial duty, Islam introduced other means of financial assistance. One example is that of endowments (known as *Waqf*), whereby a wealthy person grants a certain property and/or its proceeds to the benefit of the poor, thus preventing any other form of transaction on such property, even after his death.

5- **Pilgrimage**: There are various forms of kindness in the parts of Islamic law pertaining to pilgrimage. For instance, a person who can afford to perform pilgrimage but cannot do so for health reasons may appoint another person to perform this duty on his behalf. The same applies to a person who died before fulfilling this duty. In this case, someone else can perform it on his behalf. Those who actually decide to perform it themselves but are not strong enough to carry out all of its requirements will find an abundance of concessions to suit their condition, particularly those that spare them the need to struggle with dense crowds.

Apart from acts of worship, tolerance and kindness are manifested in Islamic teachings in various aspects of life. The following sections illustrate some examples:

Grace to parents

`Abdullah ibn `Umar once saw a man carrying his mother on his back while circumambulating the *Ka`bah*. The man asked Abdullah, "Do you think I have rewarded her?" Abdullah's response was, "No, not even for a single pang of labor pain. However, you have done well and Allah rewards for all good, be it little or great." Such is the spirit of revering parents that is strongly emphasized in Islam. There are numerous directions in

the Qur'an and in the sayings of the Prophet (peace be upon him) that emphasize the immensity of the obligations of a person towards his parents, and how grave is any offence against them. This does not come to an end when they die, for there remain deeds that can be done by the children to benefit their parents. For example, fasting and pilgrimage on their behalf is considered an act of grace towards them, and is hoped to bring reward to them even after their death. In contrast, repaying their debts after their death is a matter of duty to be fulfilled before the inheritance is divided among the heirs, rather than an act of grace.

The rights of the embryo

Islam considers any viable fetus to be a human being in several aspects. For instance, if the fetus is an heir to someone who died, it is allotted a share in the inheritance, even before its birth. The calculation of his/her share is based on the assumption that it is a male, and then, if necessary, it is corrected upon birth if it turns out to be a girl. Conversely, if the baby is born then dies after demonstrating signs of life (e.g. breathing, screaming), its right to inheritance is established, and its heirs' right to inherit is also established. A fetus also has an established right to live. If its life is terminated intentionally, then blood money is due at the rate of one-tenth of the blood money due for an adult.

Tolerance in commercial transactions

Islamic legislation allows future sales so as to facilitate matters for Muslims. However, the Prophet (peace be upon him) explained that future sales are subject to certain restrictions that omit any possibility of giving or receiving usury. Any future commodity must be accurately specified, and the term also has to be set precisely.

In general, trade in Islam is based on vital relevant issues that are in the interest of all parties involved in the transaction. Most importantly, no cheating should be involved, and any defects in the merchandize should be stated explicitly.

Another aspect of kindness in Islamic commerce is the concept of retraction, whereby one party to the transaction may be relieved from executing it by the other party under certain conditions.

Tolerance with Penalties

Are Islamic penalties ruthless?

Differentiation must be made between cruelty and required toughness. For example, toughness is frequently exercised by parents to rectify their children's behavior when all other approaches fail. In such cases, toughness transforms into cruelty only if reasonable limits are exceeded. There cannot be a fixed definition of what can be considered to be "reasonable" in this context, as it has to commensurate with the issue at hand. In practice, for example, it is not "reasonable" to punish a man who raped a woman simply by imprisoning him for six months. Most women in the society would be in danger under such an arrangement. Penalties for crimes not only represent punishment for the actual individual perpetrators, but also serve as a deterrence for all potential ones as well, to the ultimate benefit of the entire society's security. It should be noted that by applying penalties and therefore preventing crimes, more severe punishment in the Hereafter is avoided. In fact, a balanced and fair look at this issue will easily reach the conclusion that the rules of Islamic law are totally devoid of cruelty.

Controversial as such a statement might be in today's world, mercy is definitely an intrinsic quality of all aspects of Islamic legislation. Muslims are repeatedly required in the Qur'an and in the sayings of the Prophet (peace be upon him) to be extremely merciful. Mercy in Islam even manifests itself in the issue of penalties. The Prophet (peace be upon him) commanded that

prescribed penalties be avoided in cases where the slightest doubt prevents an absolutely certain conviction.

The following sections discuss a number of penalties prescribed in Islamic law, with particular emphasis on the relevant aspects of clemency.

Theft

The penalty prescribed for theft in Islam has been subjected to intensive criticism, as the amputation of one's hand is not any easy endeavor to envisage. Indeed, it is a severe penalty, and it was meant to be so. However, several factors need to be taken into consideration in this regard. The matter is not as simple as inaccurately illustrated in a famous cartoon film produced in the west, where the main character stole an apple to eat because he was hungry and poor and the guards immediately ran after him to cut off his hand.

In reality, many conditions have to be met in order for this penalty to be applied. These conditions are related both to the perpetrator and to the stolen property. The perpetrator has to be a sane adult who is not forced to steal and not in need of doing so, and who is aware that theft is forbidden. No differentiation is made in this regard between a Muslim and a non-Muslim subject resident in an Islamic country. In terms of the stolen property, it has to be a movable form of property and has to be actually moved. It has to be owned by someone and kept in safe custody. It also has to be valuable (at least equivalent to 17 grams of pure gold); hands are not cut off for stealing worthless items. Moreover, stolen items that are of an illicit nature are not taken into consideration. The penalty is not applied if:

- The stolen property was left unguarded in a public place, or in a place to which the perpetrator is permitted access.

• The theft took place between spouses or members of the same lineage, e.g. father and son.

• If the owner of the stolen property owed the perpetrator money and was denying or procrastinating, provided that the stolen property does not exceed the value of the debt.

Obviously, the crime of theft is not welcome in Islam. However, there remains room for an appropriate degree of tolerance in this regard. If decided, the penalty may not be subjected to appeals for amnesty once the matter is referred to the ruler or judge. Nevertheless, the Prophet (peace be upon him) was reported to urge Muslims to pardon each other for offences that require such penalties before referring them to him, because once he is informed of it, applying the penalty becomes a duty upon him, or upon the competent ruler or judge thereafter. In fact, the Prophet (peace be upon him) was once approached by one of his closest companions who was interceding with him on behalf of a woman from the elite who was convicted for borrowing things then denying and refusing to return them. This attempt to drop a penalty ordained by Allah infuriated the Prophet (peace be upon him), and he immediately addressed the public saying,

> *"What destroyed the nations preceding you, was that if a noble amongst them stole, they would forgive him, but if a poor person did it, they would inflict the penalty ordained by Allah on him. By Allah, if Fatimah, the daughter of Muhammad, stole, I would cut off her hand!"*[1]

Adultery

Unless an explicit confession is officially made, implementation of the penalty ordained for adultery is next to

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[1] Reported by Abu Dawud.

impossible. This is because Islamic law requires four qualified witnesses to testify that they saw the incident take place exactly as if "a kohl eyeliner pencil was inserted into its pot," as opposed to two witnesses in the case of theft or homicide. In addition, the Islamic rules pertinent to this crime demonstrate several aspects of clemency, a few examples of which follow:

1- Mitigated penalty for the unmarried

A married person who is proven to have committed adultery is stoned to death, whereas unmarried fornicators are only lashed. Additionally, in the case of an unmarried person, the execution is delayed if that person is ill or if the weather is too hot or too cold, so as to preserve his right to live.

2- Different forms of execution for men and women

A woman who is sentenced to stoning is deposited in a seated position in a pit and covered up in her clothes so that her body is not revealed, whereas men are stoned in a standing position inside a pit.

3- Accepting withdrawal of confessions

As mentioned before, a woman sentenced to stoning is deposited in a deep pit. However, this is only in the case of convicting her on the basis of the testimony of four witnesses. Conversely, if she is convicted on the basis of her own confession, then she is situated on the surface of the ground to give her the opportunity to flee and withdraw her confession. This option of withdrawal is not only for women. In fact, an incident that is frequently referred to took place with a man in the days of the Prophet (peace be upon him), the details of which are related in the following hadith: Yazid ibn Nu`aym ibn Huzzal, on his father's authority said, "Ma`iz ibn Malik was an orphan under the protection of my father. He had illegal sexual intercourse with a slave-girl belonging to some clan. My father

said to him: 'Go to the Messenger of Allah (peace be upon him) and inform him of what you have done, for he may perhaps ask Allah to forgive you.' His purpose in that was simply a hope that it might be a way of escape for him.

So he went to him and said: 'Messenger of Allah! I have committed fornication, so inflict on me the punishment ordained by Allah.' He (the Prophet) turned away from him, so he came back and said: 'Messenger of Allah! I have committed fornication, so inflict on me the punishment ordained by Allah.' He (again) turned away from him, so he came back and said: 'Messenger of Allah! I have committed fornication, so inflict on me the punishment ordained by Allah.' When he uttered it four times, the Messenger of Allah (peace be upon him) said: *'You have said it four times. With whom did you commit it?'* He replied: 'With so and so.' He asked: *'Did you lie down with her?'* He replied: 'Yes.' He asked: *'Was your skin in contact with hers?'* He replied. 'Yes.' He asked: *'Did you have intercourse with her?'* He said: 'Yes.' So he (the Prophet) gave orders that he should be stoned to death. He was then taken out to the Harrah, and while he was being stoned he felt the pain of the stones and could not bear it and fled. But `Abdullah ibn Unays encountered him when those who had been stoning him could not catch up with him. He threw the bone of a camel's foreleg at him, which hit him and killed him. They then went to the Prophet (peace be upon him) and reported it to him. He said: *'Why did you not leave him alone. Perhaps he might have repented and been forgiven by Allah.'*"[1]

4- Reprieve in special cases

In certain cases, the person convicted of adultery may be granted reprieve. For instance, if the perpetrator is sick or the woman is pregnant or nursing her child. Again, a relevant

[1] Reported by al-Bukhari.

incident took place in the days of the Prophet (peace be upon him), narrated as follows:

A woman from Juhaynah came to the Messenger of Allah (peace be upon him) who had become pregnant because of adultery. She said, "Messenger of Allah, I have done something for which (prescribed punishment) must be imposed upon me, so carry it out." The Messenger of Allah (peace be upon him) called her master and said: *'Treat her well, and when she gives birth bring her to me.*" He did accordingly. Then the Messenger of Allah (peace be upon him) pronounced judgment on her. Her clothes were tied around her and then he gave the order and she was stoned to death. He then prayed over her (dead body). `Umar said to him, "Messenger of Allah, you offer prayer for her although she had committed adultery!" Thereupon he said, "*She has made such repentance that if it were to be divided among seventy men of al-Madinah, it would be enough. Have you found any repentance better than sacrificing her life?*"[1]

Homicide

Islam allows for the payment of blood money as an alternative to capital punishment in case of deliberate homicide. The avenger of blood is given the choice between revenge and accepting the blood money. If the right to avenge is waived, then blood money is required of the killer. The Prophet (peace be upon him) used to pronounce the penalty of revenge, but concurrently recommended pardon. At this point, we need to clarify the difference between pardoning and settlement in this context. Pardoning is to waive vengeance for free (in case of deliberate homicide), whereas settlement is to waive vengeance in return for the blood money.

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[1] Reported by Abu Dawud.

Islam's Tolerance in Preserving Women's Financial Rights

Dowry

Women in Islam are entitled to receive a dowry, in the sense that it is considered to be one of the provisions of the marriage contract. Furthermore, Islam protects a woman's rights to receiving her dowry in various ways, such as:

- The dowry is for her to keep, not her father or guardian.
- Any deferred part of the dowry is considered to be a debt and must be paid, even if the husband dies (before his inheritance is divided).
- If she dies before receiving the dowry from her husband, the value of her dowry must be deducted from his share of her inheritance.
- She is entitled to receive an amount equal to the dowry of a woman having similar social status in the following cases:

1- If her husband dies before the actual consummation of the marriage without specifying her dowry. The estimated amount is deducted from the man's inheritance and is added to her share thereof.

2- If the marriage is consummated before the husband specifies her dowry.

3- If a man was authorized to process her marriage and he married her without specifying a dowry.

4- If the marriage contract is found to be invalid, such as in cases where there are no witnesses or where the marriage joins

an impermissible couple by virtue of common breastfeeding. In this case, equivalent dowry, alimony, post-marriage waiting period, and paternity of children are all due (the penalty for adultery is not applied, although they must be separated).

Maintenance for wife and children

The husband is obliged to provide support for his wife and children within reasonable limits, and within his financial capacity, as is the case with all the obligations required in Islam. Accordingly, if a husband is affluent but stingy, and harms his family by not providing for them properly, then his wife is allowed to take from his money without his permission, provided she does not exceed the limit of basic needs. The Prophet (peace be upon him) said to a woman who consulted him on a similar issue to, "Take what is reasonable and sufficient for you and your children."

Tolerance at Times of War

The issue of Islamic tolerance at times of war needs to be prefaced with a discussion of the concepts and principles of war from the Islamic perspective. A suitably guiding question for such a discussion would be, "What are the reasons for which Islam permits engagement in military action?" Controversial as it may be, the short answer is "defense". But how can such a response accommodate the military campaigns that were launched against other countries? This requires a deeper look at the Islamic philosophy concerning aggression. In addition to the traditional image of actual hostility, aggression in the Islamic perspective includes any action taken to prevent fair delivery of the divine message to all people for their own welfare. It is an intrinsic element of Islamic belief that delivering this final divine message is imperative, rather than being a voluntary option. A difference needs to be highlighted in this context between delivery of the message and forcing potential recipients to accept it. In reality, no amount of force can make an individual alter his conviction and/or accept a new one, simply because such alteration or acceptance will only be ostensibly assumed so as to avoid being harmed, and will never survive through generations. A perfect example is found in some of the very first Muslims who found no way to escape the excruciating torture to which they were subjected other than pretending to renounce Islam, while preserving their faith in their hearts.

As such, conquering any hurdles that prevent the spread of the message comes under the Islamic definition of defense, provided that force is only applied in accordance with the exact

measure that is adequate to overcome such hurdles. Naturally, this is added to the conventional notion of defense, where military engagement is resorted to for fending off any hostility initiated against Islamic territory or property. This leads us to further discussion, in light of yet another question: "Does Islam find disbelief to be adequate justification for military action if no hostility is involved?" The answer is no. Some evidence is required at this point:

- Had mere disbelief justified hostile action, Islam would have allowed the execution of women, old people, and monks who refuse to accept Islam. The fact is the exact opposite; Islam explicitly forbids such helpless individuals to be harmed.
- Had that been the case, we would not have found clear instructions in the Qur'an to halt all military action in case the opposing party resorts to peace. For example:

> ﴾*So if they withdraw from you and do not fight you and offer you peace, then Allah has not given you a way against them.*﴿
>
> (An-Nisa': 90)

And,

> ﴾*And if they incline to peace, then incline to it and trust in Allah.*﴿
>
> (Al-Anfal: 61)

Having discussed the justification of war in Islam as a relevant digression, the issue of Islamic tolerance and kindness at times of war may be better presented.

Islamic wartime etiquettes

- **Parental leave:** Muslim men are required to seek their parents' permission before joining the army, unless all able men are required for defense against hostility.

- **Spousal rights prioritized:** The Prophet (peace be upon him) did not allow `Uthman ibn `Affan to participate in the Battle of Badr so that he might take care of his ailing wife.

- **Civilians protected:** Islam forbids aggression against civilians at times of war. In one incident, the Caliph Abu-Bakr relayed to the commander of his army to Syria the instructions and teachings he had previously learned from the Prophet (peace be upon him) before his death:

  - You shall not be treacherous
  - You shall not embezzle
  - You shall not be perfidious
  - You shall not mutilate
  - You shall neither kill small children nor elderly men
  - You shall neither ruin nor burn palm trees
  - You shall not fell a tree
  - You shall only slaughter a sheep, cow, or camel if needed for food.
  - You shall spare any people who are found confining themselves in hermitages

- **Offering the enemy three choices before combat:**
  - To accept Islam
  - To maintain their faith and pay the poll tax in return for their share of defense expenses.
  - Combat

Kindness in Islamic Presentation

Compulsion is not an acceptable policy in Islam, for the Qur'an has clearly outlined its approach: ﴾*There shall be no compulsion in religion*﴿.[1] The Prophet (peace be upon him) sent numerous letters to the rulers of major nations of the time, including Abyssinia, Rome, Egypt, Persia, Yemen, Oman, and others. All such correspondence was couched in an extremely courteous and considerate language, with no threats or warnings. The only incident where these letters were followed with military force was when the messenger who carried the letter was treacherously assassinated.

Likewise, all Muslims are required to deliver the divine message that they accepted, but also to do so in a wise and lenient manner. This is found clearly in the Qur'an:

> ﴾*Call to the way of your Lord with wisdom and goodly exhortation, and argue with them in the best manner; surely your Lord best knows those who go astray from His path, and He knows best those who follow the right way.*﴿
>
> (An-Nahl: 125)

Kindness to Animals

Islam demonstrates highly impressive qualities of mercy and kindness in its rules that govern how people should treat animals. The Prophet (peace be upon him) told us that, "*A woman was punished because of a cat which she had imprisoned until*

[1] Al-Baqarah: 256.

it died. She entered the (Hell) Fire because of it, for she neither gave it food nor water while locking it up, nor set it free to eat from the vermin of the earth."[1]

The Prophet (peace be upon him) also told us that, "*While a man was traveling on foot, he felt extremely thirsty, so he climbed down a well and drank water from it. On coming out of it, he saw a dog that was panting and eating mud because of excessive thirst. The man said, 'This (dog) is suffering from the same problem as that of mine..' So, he filled his shoe with water, held it in his mouth then climbed back up, and offered it to the dog. Allah thanked him for this deed and forgave him.*" The people asked, "Messenger of Allah, are we to be rewarded on account of animals?" He replied, "*There is a reward for helping any living being.*"[2]

Islam also sets strict rules for killing animals. First, animals may not be killed frivolously. Unless it is needed for food or some other similarly justified purpose, then an animal should not be killed. The Prophet (peace be upon him) told us that anyone who kills a creature needlessly, even if it is a small bird, will be questioned by Allah on the Day of Judgment. He also forbade placing an animal in confinement, or using it as a target.

Naturally, Islam allows slaughtering animals for food. In fact, this is carried out in some cases as an act of ritual sacrifice. However, strict rules were set for slaughtering animals in such cases:

- The animal has to be slaughtered by using a very sharp knife to avoid a slow and painful death.
- The animal should be placed in a comfortable position, rather than an awkward one, at the time it is slaughtered.
- No animal should see another animal being slaughtered.
- The cutting should not exceed the gullet.

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[1] Reported by Muslim.

[2] Reported by Abu Dawud.

Conclusion

Islam enjoins its followers to adopt their religion as the channel through which all aspects of their lives flow, rather than being merely one aspect of life. That indeed, would be an extremely restricted and narrow scope, had Islam been limited to a set of rituals. However, Islam is a remarkably comprehensive system that extensively covers every single aspect of life.

I have endeavored, in this book, to highlight aspects of tolerance, kindness, and mercy in Islam. The essence of my message is that Islam, as a religion, approves of neither unnecessary cruelty nor laxity.

One of the most significant aspects that are covered is the relationship between Muslims and others. Amidst the current abundance of criticism that is directed toward Islam and Muslims, I find no better way to draw a conclusion to this concise book than to cite the opinions of a number of impartial non-Muslims about Islam and its Prophet (peace be upon him).

- A PhD dissertation was recently presented by Dr. Nabil Luka Bebawi, a Christian Egyptian researcher, under the title *Spreading Islam with the Sword Between Truth and Calumny*. The book discusses a number of important points in Islamic history, highlighting the tolerance and kindness of Islam as a religion. Elaborating on his choice of the subject, he said in an interview, "After the 9/11 attacks the western and US media started propagating false concepts about Islam that were adopted by the governing groups in Washington."

- Bebawi, a professor of criminal law, stressed that "Islamic civilization and Islam are under a vicious smear campaign". The Christian scholar regretted that this campaign portrayed Islam as a faith inciting terrorism and having no humanitarian values.
- "The Islamic civilization which was founded on the principles laid down by Prophet Muhammad (peace be upon him) presents a fine example of tolerance and coexistence between people of different civilizations, cultures, religions, and race," Bebawi averred.
- "As a Christian living in Islamic lands, my thesis seeks to underline Islam's spirit of clemency in dealing with non-Muslims."
- In his thesis, he asserted that the poll tax paid by non-Muslims is by no means a punishment or religious-based discrimination. "Non-Muslims pay it to benefit from public utilities constructed by the Islamic state and as a contribution to the expenditure of Muslim armies defending non-Muslims," Bebawi added. He noted, both Muslims and non-Muslims pay the same taxes under the citizenship and nationality laws.
- De Lacy O'Leary stated in *Islam at the Crossroads*, London, 1923, "History makes it clear however, that the legend of fanatical Muslims sweeping through the world and forcing Islam at the point of the sword upon conquered races is one of the most fantastically absurd myths that historians have ever repeated."
- Thomas Carlyle (1840), in '*Heroes and Hero Worship and the Heroic in History,*' stated, "Muhammad is not an impostor, but a great reformer. He is no longer a neurotic patient suffering from epilepsy, but a man of tremendous

character and unbending will. He is no longer a self-seeking despot, ministering to his own selfish ends but a beneficent ruler shedding light and love around him. He is no longer an opportunist, but a Prophet with a fixed purpose, a man of strong will, undeviating in his consistency … Muhammad was the man of truth and fidelity, true in what he did, in what he spoke, in what he thought; always meant something. A man rather taciturn in speech, silent when there was nothing to be said, but pertinent, wise, and sincere when he did speak. Always shedding light on the matter … A poor shepherd people roaming unnoticed in the deserts since the creation of the world; a hero Prophet was sent down to them with a word they could believe; see how the unnoticed became world noticeable. Within one century afterwards, Arabia is at Granada on this end; at Delhi on that; glancing with valor and splendor and the light of genius. Arabia shines through long ages over a great section of the world."

- Mahatma Gandhi said, "When I closed the second volume of the *Prophet's Biography* I was sorry that there was no more for me to read about that great life. I was more than ever convinced that it was not the sword that won a place for Islam in those days in the scheme of life. It was the rigid simplicity, the utter self-effacement of the Prophet, the scrupulous regard for pledges, his intense devotion to his friends and followers, his intrepidity, his fearlessness, his absolute trust in Allah and his own mission."

- George Bernard Shaw said, "I have always held the religion of Muhammad in high estimation of its wonderful vitality. It is the only religion which appears to me to possess that assimilating capability to the changing phases of existence which can make itself appealing to everyone. I have prophesied about the faith of Muhammad that it would be acceptable to the Europe of today. The medieval

ecclesiastics, either through ignorance or bigotry, painted Islam in the darkest of colors. They were, in fact, trained to hate the man Muhammad and his religion. To them, Muhammad was anti-Christ. I have studied him - the wonderful man, and in my opinion, far from being an anti-Christ, he must be called the savior of humanity. I believe that if a man like him were to assume dictatorship of the modern world, he would succeed in solving its problems in a way that would bring it much needed peace and happiness. But to proceed, it was in the nineteenth century that honest thinkers like Carlyle, Gibbon, and Goethe perceived intrinsic worth in the religion of Muhammad. Already, even, at the present time many of our people have gone to his faith , and the Islamization of Europe may be said to have already begun."

- Alfred Martin, in *Great Religious Teachers of the East*, said, "Nor is anything in religious history more remarkable than the way in which Muhammad fitted his transfiguring ideas into the existing social system of Arabia. To his everlasting credit, it must be said that in lifting to a higher place of life the communities of his day and place, he achieved that which neither Judaism nor Christianity of Medieval Arabia could accomplish. Nay more, in the fulfillment of that civilizing work Muhammad rendered valuable service, not only to Arabia, but also to the entire world."

- D. S. Margoliouth said, "His humanity extended itself to the lower creation. He forbade the employment of living birds as targets for marksmen and remonstrated with those who ill-treated their camels... Foolish acts of cruelty which were connected with old superstitions were swept away by him … No more was a dead man's camel to be tied to his tomb to perish of hunger and thirst. No more was the evil eye to be

propitiated by the bleeding of a certain proportion of the herd. No more was the rain to be conjured by tying burning torches to the tails of oxen. The manes and tails of horses were not to be cut."

- Pierre Crabites said, "Muhammad was probably the greatest champion of women's rights the world has ever seen. Islam conferred upon the Muslim wife property rights and juridical status exactly the same as that of her husband. She is free to dispose of and manage her financial assets as she pleases, without let or hindrance from her husband."
- Edward Gibbon and Simon Oakley (1870) in *History of the Saracen Empire*, stated, "The greatest success of Mohammad's life was effected by sheer moral force."
- Michael Hart (1978) in *The 100, A Ranking of the Most Influential Persons In History* said, "My choice of Muhammad to lead the list of the world's most influential persons may surprise some readers and may be questioned by others, but he was the only man in history who was supremely successful on both the secular and religious level … It is probable that the relative influence of Muhammad on Islam has been larger than the combined influence of Jesus Christ and St. Paul on Christianity … It is this unparalleled combination of secular and religious influence which I feel entitles Muhammad to be considered the most influential single figure in human history."
- James Michener, (1955 (May), pp. 68-70) in *Islam: The Misunderstood Religion*, said, "No other religion in history spread as rapidly as Islam. The West has widely believed that this surge of religion was made possible by the sword. But no modern scholar accepts this idea, and the Qur'an is explicit in the support of the freedom of conscience."

- Lawrence E. Browne (1944) in *The Prospects of Islam*, stated, "Incidentally these well-established facts dispose of the idea, so widely fostered in Christian writings, that the Muslims, wherever they went, forced people to accept Islam at the point of the sword."
- K. S. Ramakrishna Rao, in *Mohammed: The Prophet of Islam*, said, "My problem to write this monograph is easier, because we are not generally fed now on that (distorted) kind of history and much time need not be spent on pointing out our misrepresentations of Islam. The theory of Islam and the sword, for instance, is not heard now in any quarter worth the name. The principle of Islam that 'there is no compulsion in religion' is well-known."
- H.G. Wells said, "The Islamic teachings have left great traditions for equitable and gentle dealings and behavior, and inspire people with nobility and tolerance. These are human teachings of the highest order and at the same time practicable. These teachings brought into existence a society in which hard-heartedness and collective oppression and injustice were the least as compared with all other societies preceding it. Islam is replete with gentleness, courtesy, and fraternity."
- Dr. William Draper in *History of Intellectual Development of Europe* said, "During the period of the Caliphs the learned men of the Christians and the Jews were not only held in great esteem but were appointed to posts of great responsibility, and were promoted to high ranking positions in the government. He (Caliph Haroon Rasheed) never considered to which country a learned person belonged nor his faith and belief, but only his excellence in the field of learning."

- Marcel Clerget in *La Turquie, Passe et Present*, Paris, stated, "Many proofs of the high cultural level of the Ottoman Empire during the reign of Sulaiman the Magnificent are to be found in the development of science and law; in the flowering of literary works in Arabic, Persian, and Turkish; in the contemporary monuments in Istanbul, Bursa, and Edirne; in the boom in luxury industries; in the sumptuous life of the court and high dignitaries, and last but not least in its religious tolerance. All the various influences - notably Turkish, Byzantine and Italian, mingle together and help to make this the most brilliant epoch of the Ottomans."

- Michael the Elder (quoted in *Michael the Elder*, Chronique de Michael Syrien, Patriarche Jacobite d' Antioche,' J.B. Chabot, Editor, Vol. II, Paris) said, "This is why the God of vengeance, who alone is All-Powerful, and changes the empire of mortals as He wills, giving it to whomsoever He wills, and uplifting the humble beholding the wickedness of the Romans who throughout their dominions, cruelly plundered our churches and our monasteries and condemned us without pity, brought from the region of the south the sons of Ishmael, to deliver us, through them, from the hands of the Romans. And if in truth we have suffered some loss because the Catholic churches, that had been taken away from us and given to the Chalcedonians, remained in their possession; for when the cities submitted to the Arabs, they assigned to each denomination the churches which they found it to be in possession of (and at that time the great churches of Emessa and that of Harran had been taken away from us); nevertheless it was no slight advantage for us to be delivered from the cruelty of the Romans, their wickedness,

their wrath, and cruel zeal against us, and to find ourselves with people."[1]

- A. S. Tritton (1951) in *Islam* said, "The picture of the Muslim soldier advancing with a sword in one hand and the Qur'an in the other, is quite false."

Finally, all praise and thanks are due to Allah, without Whose Help and Guidance nothing can be accomplished

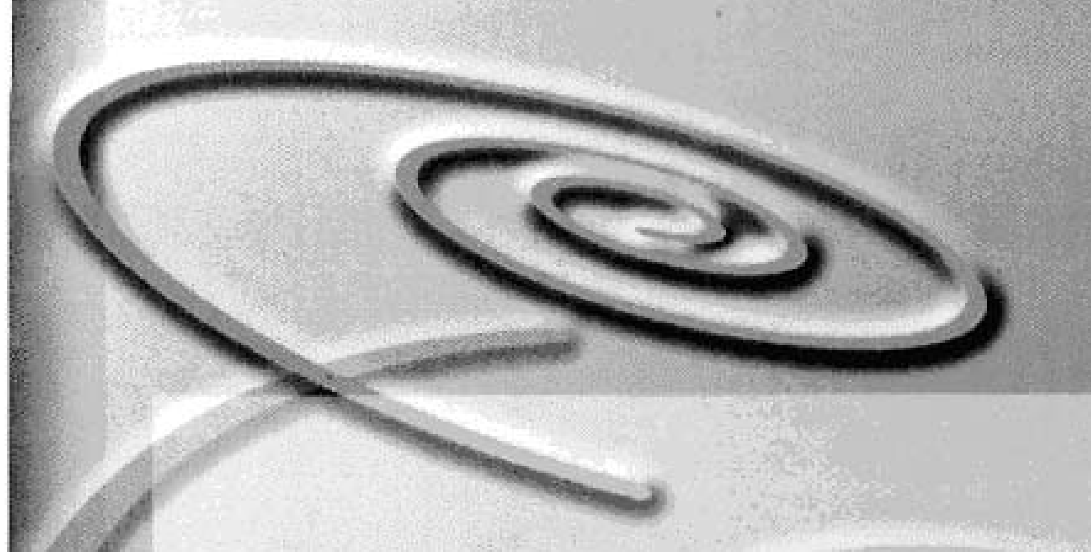
[1] Michael the Elder, Jacobite Patriarch of Antioch wrote this text in the latter part of the twelfth century, after five centuries of Muslim rule in that region.



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Rights and Tolerance in Islam informs the readers that the rights of all creatures are firmly established in the teachings of Islam (derived from the Qur'an and Sunnah) even in matters that may appear mundane. Muslims are obliged to take into consideration the rights of all people, Muslims and non-Muslims in matters that affect them individually or on a community level. This book assures its readers that Islam is not a dogmatic religion but a way of life that advocates mercy and compassion.

Dr. Magda Amer is an expert in biochemical analysis and cyto-histology. She was appointed fellow of Laboratory Analysis in `Ain Shams University Hospital & lecturer of Immunology. She studied numerous naturopathic sciences including acupuncture, reflexology, herbal treatment, therapeutic cupping, aromatherapy, iridology, etc. She has dedicated her knowledge to the service of Da`wah. Holding a B.A. in Islamic Law from Al-Azhar University, she is licensed to deliver Islamic lessons in mosques.

AL-FALAH

Al-Falah is an institution devoted to developing a better understanding of Islam among all people of the world, Muslims and non-Muslims. Of all religions, Islam is the most maligned and misunderstood in the West. Though Oriental Studies have long been established in European and American universities, real Islam has seldom been presented to the world. Our aim is to clear the way for a fair appraisal of the fastest-growing religion in the world; Islam.

